

REMARKS

This application has been carefully studied and amended in view of the Office Action dated January 21, 2009. Reconsideration of that action is requested in view of the following.

Non-elected Claim 10 is being maintained in this application pending the possible filing of a divisional application. If the application is otherwise in condition for allowance the Examiner is authorized to cancel Claim 10.

Parent Claim 1 has been amended to more clearly define the invention. Claim 13 has been canceled and rewritten in independent form as Claim 15. Claim 11 has been canceled. Claim 5 has been amended so as to be dependent on Claim 15, while Claims 12 and 14 have been amended to be dependent on Claims 5 and 15, respectively.

Reconsideration is respectfully requested of the rejection of Claims 6-8 and 11-14 under 35 USC 112. The basis for the rejection was that the claims related to the combination contradicted parent Claim 1. In order to avoid this rejection former dependent Claim 13 has now been written in independent form and is directed to a "combination hollow body and flange". Claim 5, which is a combination claim, has now been amended to be dependent on Claim 15. The remaining claims which were dependent on Claim 5 remain dependent on Claim 5 while Claim 14 is now dependent on Claim 15. Accordingly, parent Claim 15 and its dependent Claims 5-8, 12 and 14 are now consistent by being directed to a combination while parent Claim 1 and its dependent Claims 2-4 are directed to a flange. In view of these amendments, Claims 1-8, 12 and 14-15 should now clearly comply with 35 USC 112.

Reconsideration is requested of the rejection of the claims as unpatentable over Kleppner in view of Stangier and with regard to Claims 3, 4 and 7 in further view of Straetz.

The present invention as defined in Claim 1 relates to an injection-moulded plastic flange which has a thread on its periphery. Thus, the flange itself is threaded at its periphery. The remarks in the prior amendment in pointing out how Claim 1 differs from the prior art referred to the feature of the flange having a thread on its periphery. In order to make absolutely clear that

the thread is part of the flange, Claim 1 has now been amended to specifically state “said flange and said thread being integral with each other to comprise a one-piece unit”. Parent Claim 15 relates to a combination of a hollow body and a flange. As defined in Parent Claim 15 the hollow body has a wall which has an opening cut into the wall. The flange is of the same construction as the flange of independent Claim 1 and thereby includes a thread on its periphery whereby the flange and thread are integral with each other and comprise a one piece unit.

It is respectfully submitted that the clarification made to parent Claim 1 and also incorporated in Claim 15 regarding the one piece nature of the flange and thread, does not raise new issues. This is a feature which was relied upon in the prior amendment as distinguishing over Stangier. Thus, the amendment to Claim 1 regarding the one piece nature of the flange and the thread is merely of a clarifying matter and does not raise new issues. Similarly, the incorporation of that feature in Claim 15 is also merely of a clarifying matter and does not raise new issues.

As recognized by Examiner Castellano in the Office Action, the Kleppner patent does not disclose “the thread on the periphery of the flange”. Accordingly, Stangier was relied upon for that feature. Notably, Examiner Castellano pointed out that “Stangier teaches a flange for a hollow body made of two parts: (1) holding cover 316 and (2) nail screw thread ring 358”. Thus, as recognized by Examiner Castellano Stangier does not disclose a one-piece member which comprises the flange and the thread being integral with each other. This difference in structure is clearly apparent from Figure 6 of Stangier where the threaded ring 358 is separate and distinct from other elements, including the cover 316.

The flange, according to the invention which directly bears a thread makes it possible to be fixed tightly using only two additional pieces, namely a ring with a complementary ring and seal. In contrast, the flange of Stangier (holding cover 16) requires three additional pieces, namely the ring 358, the union or cap nut 356 and the seal 334. Moreover, the mounting solution of Stangier requires a connecting portion (item 12, 112, 212, 312 depending on the figure) to be molded in one piece with the tank wall which is precisely what the present invention does not require. In other words, a combination of Kleppner and Stangier still does not result in, nor

make obvious, the present invention wherein the flange itself is threaded. Instead, any reasonable combination of Kleppner and Stangier would result in a multiple part system including a flange without a thread and a ring, as a separate piece, bearing a thread.

If Examiner Castellano still believes that the claimed invention is not patentable over the prior art it is respectfully requested that this amendment should be entered for the purposes of appeal. In that regard, the present amendment overcomes the rejection under 35 USC 112 and also reduces the number of claims.

In view of the above remarks and amendments it is respectfully requested that this application should be passed to issue.

Respectfully submitted,

By 
Harold Pezzner

Registration No.: 22,112
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P.O. Box 2207
Wilmington, Delaware 19899
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant